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2 United States Attorney  
3 THOMAS A. COLTHURST (CABN 99493)  
4 Chief, Criminal Division  
5 ALETHEA M. SARGENT (CABN 288222)  
6 Assistant United States Attorney

**FILED**

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) NO. CR 4:23-CR-00248-AMO  
Plaintiff, )  
v. ) STIPULATION TO RESET ARRAIGNMENT AND  
KYLE VEHIKITE, ) TO EXCLUDE TIME FROM AUGUST 11, 2023,  
Defendant. ) TO AUGUST 14, 2023, AND ~~[PROPOSED]~~ ORDER  
) (Corrected Order adding Judge Hixson's  
signature - left of in error )

It is hereby stipulated by and between counsel for the United States and counsel for the defendant KYLE VEHIKITE, that the arraignment currently set for August 11, 2023, in San Francisco, be reset to August 14, 2023, in Oakland and that time be excluded under the Speedy Trial Act from August 11, 2023, through August 14, 2023.

Defendant was charged by complaint on July 21, 2023, and appeared initially on that complaint on July 27, 2023. He subsequently appeared before the Honorable Thomas S. Hixson on August 4, 2023, at which time the Court set preliminary hearing or arraignment on any indictment for August 11, 2023. Time was excluded for effective preparation of counsel until that next date. On August 8, 2023, the Grand Jury returned a two-count indictment against Defendant and others. The indictment is venued in Oakland. The parties hereby request that the August 11, 2023, date currently set in San Francisco be

STIPULATION TO EXCLUDE TIME AND [PROPOSED] ORDER  
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1 reset for August 14, 2023, before the Honorable Donna M. Ryu on the Oakland duty calendar. The  
2 government and counsel for the defendant also agree that time be excluded under the Speedy Trial Act  
3 so that defense counsel can continue to prepare, including by reviewing the discovery already produced.  
4 For this reason and as further stated on the record at the status conference, the parties stipulate and agree  
5 that excluding time until August 14, 2023, will allow for the effective preparation of counsel. *See* 18  
6 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by  
7 excluding the time from August 11, 2023, through August 14, 2023, from computation under the Speedy  
8 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
9 3161(h)(7)(A), (B)(iv).

10 The undersigned Assistant United States Attorney certifies that she has obtained approval from  
11 counsel for the defendant to file this stipulation and proposed order.

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13 IT IS SO STIPULATED.

14 DATED: 8/10/23

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/s/  
ALETHEA M. SARGENT  
Assistant United States Attorney

16 DATED: 8/10/23

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/s/  
JOHN JORDAN  
Counsel for Defendant KYLE VEHIKITE

18  
19 **[PROPOSED] ORDER**

20 Based upon the facts set forth in the stipulation of the parties and the representations made to the  
21 Court on August 10, 2023, and for good cause shown, the Court resets the August 11, 2023, hearing  
22 scheduled before the Court to August 14, 2023, on the Oakland criminal duty calendar before the  
23 Honorable Donna M. Ryu, and also finds that failing to exclude the time from August 11, 2023, through  
24 August 14, 2023, would unreasonably deny defense counsel and the defendant the reasonable time  
25 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
26 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from  
27 August 11, 2023, to August 14, 2023, from computation under the Speedy Trial Act outweigh the best  
28 interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties,

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v. 7/10/2018

1 IT IS HEREBY ORDERED that the time from August 11, 2023, through August 14, 2023, shall be  
2 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

3 IT IS SO ORDERED.

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5 DATED: August 10, 2023

  
6 HONORABLE THOMAS S. HIXSON  
7 United States Magistrate Judge

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